

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RODRIGO ARMAND,

Plaintiffs,

v.

Richard Marin, Individually and in his capacity as Partner; Fredric Goodman, Individually and in his capacity as Partner; Shirley Jules; MARIN GOODMAN, LLP; John Doe,

Defendants.

17-CV-9725 (CS)

**NOTICE OF MOTION**

**MOTION BY:**

Defendants, Richard Marin, Individually and in his capacity as Partner; Fredric Goodman, Individually and in his capacity as Partner; Shirley Jules and Marin Goodman, LLP by its attorneys Marin Goodman, LLP, 500 Mamaroneck Avenue, Suite 102, Harrison, NY 10528.

**DATE AND PLACE:**

January 18, 2019 at the United States District Court, 300 Quarropas Street, White Plains, NY 10601, or at such other time as the Court may direct.

**SUPPORTING PAPERS:**

Affirmation of Richard Marin;  
Affidavit of Shirley Jules;  
Affidavit of Irina Hovhannisyan;  
Affidavit of Faye McFarlane;  
Affidavit of Anna Brozek; and  
All pleadings and exhibits annexed thereto.

**RELIEF DEMANDED:**

An Order dismissing:

- 1) all of Plaintiff's claims regarding discrimination because Defendants had a legitimate, non-discriminatory basis for terminating Plaintiff's employment;
- 2) all of Plaintiff's claims under New York Executive Law §296(1) and 42 USC §1981 as limited by their statutes of limitations of three and four years, respectively;

- 3) Plaintiff's First, Second, and Third Causes of Action for failure to state a claim against Shirley Jules upon which relief can be granted as Plaintiff failed to adequately plead that Ms. Jules discriminated against him;
- 4) Plaintiff's First Cause of Action under New York Executive Law §296(1) for failing to state a claim against Shirley Jules because Ms. Jules was not Plaintiff's statutory Employer;
- 5) Plaintiff's Second Cause of Action under the Civil Rights Act of 1866, as amended, 42 USC §1981 for failure to state a claim against Shirley Jules because Ms. Jules did not have any control over the contracts entered into by Plaintiff;
- 6) Plaintiff's Third Cause of Action under the Title VII for failure to state a claim against Defendants Shirley Jules, Marin Goodman, LLP, Richard Marin and Fredric Goodman because:
  - i. Defendants were not an Employer or an Agent as defined by the statute; and
  - ii. Plaintiff failed to timely commence his Title VII claim within ninety days of receipt of his right-to-sue Notice;
- 7) Plaintiff's Fourth Cause of Action for Defamation against Shirley Jules because it is time-barred under the one-year statute of limitations of NY CPLR§215(3);
- 8) Plaintiff's Fourth Cause of Action for Defamation against Defendants Richard Marin and Fredric Goodman as time-barred under the one-year statute of limitations of NY CPLR §215(3), as well as for failing to state a cause of action upon which relief can be granted;
- 9) Plaintiff's Fourth Cause of Action for Defamation against Defendants Richard Marin, Fredric Goodman and Shirley Jules because their statements were privileged;
- 10) An Order pursuant to FRCP 11, granting sanctions and attorneys' fees to Shirley Jules for Plaintiff's frivolous claims against her; and

11) And for such other and further relief as this Court deems just and proper.

OPPOSITION: Opposition to be served by December 24, 2018.

Dated: Harrison, New York  
November 21, 2017

**MARIN GOODMAN, LLP**

By: /s/ Russell S. Jamison  
Russell S. Jamison, Esq. (RSJ 1360)  
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**RICHARD MARIN**, Individually and in his capacity as Partner

/s/ Richard Marin  
Richard Marin, *Pro Se* (RPM 5116)

**FREDRIC GOODMAN**, Individually and in his capacity as Partner

/s/ Fredric Goodman  
Fredric Goodman, *Pro Se* (FBG 9351)